

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00154

**James Anthony Hunter,**  
*Plaintiff,*

v.

**Officer Boller et al.,**  
*Defendants.*

**ORDER**

Plaintiff James Anthony Hunter, an inmate of the Smith County Jail proceeding pro se, filed this civil action complaining of alleged deprivations of his constitutional rights. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

Plaintiff complains of two alleged uses of force, on November 18, 2022, by Officers Mitchell and Taylor and on January 17, 2023, by Officer Boller. Doc. 9. Defendants filed a motion for summary judgment (Doc. 45), to which plaintiff filed a response (Doc. 46).

After review of the pleadings and the summary judgment evidence, the magistrate judge issued a report recommending that defendants' motion for summary judgment be denied. Doc. 65. No objections have been filed to the report.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendants' motion for summary judgment (Doc. 45) is denied.

*So ordered by the court on July 25, 2024.*

  
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J. CAMPBELL BARKER  
United States District Judge

